

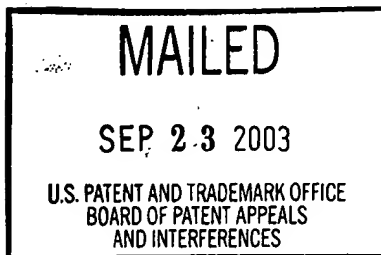
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte J. ERIC BERGE, GLENN S. SEAMARK, ALFRED A. SCHROEDER,
MARK A. MCCLURE and DANIEL A. GLIMN



Appeal No. 2003-1616
Application No. 09/364,794

ON BRIEF

Before COHEN, FRANKFORT, and NASE, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DISMISSAL OF APPEAL

On March 1, 2002, the appellants filed a Notice of Appeal (Paper No. 21) appealing from the examiner's final rejection (Paper No. 14, mailed November 1, 2001). The appellants filed an Appeal Brief on April 30, 2002 (Paper No. 22), and the Examiner's Answer was mailed on July 30, 2002 (Paper No. 24). A Docketing Notice was sent by the Board of Patent Appeals and Interferences (the Board) on June 23,

2003 (Paper No. 29). An oral hearing had not been requested by the appellants, and the case was assigned to this panel of the Board to be decided on brief. Prior to this dismissal of appeal, the panel took the case up for action on the basis of the written record.

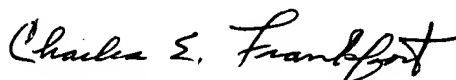
However, on September 3, 2003, the appellants filed (1) a request to withdraw the application from appeal for continued examination by the examiner; (2) a Request for Continued Examination (RCE); (3) an amendment; and (4) an Information

Disclosure Statement (IDS). In view of these requests, the appeal is hereby dismissed
and a decision on the merits will not be rendered.

DISMISSED



IRWIN CHARLES COHEN
Administrative Patent Judge



CHARLES E. FRANKFORT
Administrative Patent Judge



JEFFREY V. NASE
Administrative Patent Judge

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JVN/jg